

Application Number 10/565,395
Amendment Dated December 16, 2009
Reply to Office Action of September 16, 2009

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 8-23 were pending in this application. In this Amendment, Applicant has amended claims 8-10, 13, 17, 20, and 23, added new claims 24-25, and has not canceled any claims. Accordingly, claims 8-25 will be pending after entry of this Amendment.

In the Office Action mailed September 16, 2009, the Examiner rejected claims 8-23 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,359,265 to Thorne, Jr. et al. ("Thorne") and U.S. Patent No. 5,356,420 to Czernecki et al. ("Czernecki"). To the extent that rejection might still be applied to the currently pending claims, Applicant respectfully traverses the rejection.

Applicant has amended claim 8 to clarify features of the present invention distinguishable over the prior art, relating to the relative position of the at least one return spring, the at least one side jut, and the driving spring. Specifically, amended claim 8 recites that the at least one return spring has a contact portion that contacts the at least one side jut, that *the entirety of the at least one side jut* is disposed between the contact portion of the at least one return spring and the second end of the driving spring *before, during, and after use of the puncturing device*, such that the contact portion of the at least one return spring, *the entirety of the at least one side jut*, and the driving spring are disposed in *non-overlapping* series along the longitudinal axis before, during, and after use of the puncturing device. The contact portion of the at least one spring is shown, for example, in Figures 3 and 4, in which the at least one return spring is shown contacting the at least one side jut. In addition, as shown in Figures 1-4, for example, before, during, and after use of the puncturing device, the entirety of the at least one side jut remains longitudinally between the contact portion of the at least one return spring and the second end of the driving spring, and the contact portion of the at least one return spring, the entirety of the at least one side jut, and the driving spring are disposed in non-overlapping series. In contrast, in Thorne, the entirety of the blade

Application Number 10/565,395
Amendment Dated December 16, 2009
Reply to Office Action of September 16, 2009

mounting hub 352 of Figure 17, which the Examiner equated with the recited at least one side jut, does not remain longitudinally between the contact portion of the blade shield part 420, 430 before, during, and after use of the puncturing device, and further, clearly overlaps the contact portion of the blade shield part 420, 430, as shown in Figures 19 and 20, for example.

Applicant therefore respectfully submits that amended claim 8 is patentable over the prior art. Applicant has also amended claims 9 and 10 to be consistent with amended claim 8 and to correct dependency (in claim 9). Applicant respectfully submits that dependent claims 9-23 are also patentable due at least to their dependence on an allowable base claim and for the additional features recited therein.

Regarding those additional features, Applicant has amended claims 13, 17, 20, and 23 to clarify distinguishable features. Regarding claim 13, Applicant appreciates the Examiner's suggestion at page 8, paragraph 4 of the Office Action, to add further detail relative to the pusher becoming discontinuous with the needle, which may add distinction between the teachings of the present application and that of the prior art. Accordingly, Applicant has amended claim 13 to clarify that the puncturing needle and the pusher are separate structures and that, after use, the pusher discontinues contact with the puncturing needle such that the pusher becomes discontinuous with the puncturing needle. Support for the amendments can be found in the present application, for example, in Figures 3 and 4 and at page 4, lines 12-19. In contrast, in Thorne, the puncturing needle 90', hub 352, and driving spring 350 are always continuous with each other, as shown in Figures 17-20, for example, and therefore are not separate structures and do not become discontinuous.

Applicant has amended claim 20 to clarify that the arms of the push button define a detent contained within the housing, with the detent contacting an interior portion of the housing to prevent removal of the push button from the housing. Support for this amendment can be found in the present application, for example, in Figures 1-4 and at page 4, lines 6-7 of the specification. In contrast, Thorne does not disclose any detents of arms 400' that are contained within housing 300' and that contact an interior portion

Application Number 10/565,395
Amendment Dated December 16, 2009
Reply to Office Action of September 16, 2009

RECEIVED
CENTRAL FAX CENTER
DEC 16 2009

of the housing to prevent removal of arms. Instead, Thorne limits the movement of arms 400' using the upper portion of button 340 and the beams 460, 462 of button 340.

Applicant has also amended claims 17 and 23 to clarify that the at least one return spring applies a force to the at least one side jut, or acts against the at least one side jut, in a direction generally *parallel to the longitudinal axis* and opposite to the driving direction. This application of force may be seen in Figure 4, which shows the return springs 13, 14 contacting the underside of the juts 15, 16 and applying an upward force parallel to the longitudinal axis of needle 5. In contrast, and as confirmed by the Examiner at page 8 of the Office Action, the blade shield parts 420, 430 of Thorne "act in a direction perpendicular to the longitudinal axis." Thus, Thorne fails to teach or suggest the features recited in claims 17 and 23.

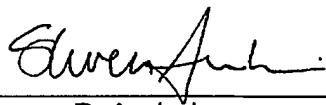
Applicant has also added new claims 24-25, which alternatively recite subject matter similar to that of claims 8 and 13, relating to the relative positions and faces of the jut member and return spring. Support for the new claims can be found throughout the specification, especially for example, in Figures 1-4 and at page 4, line 26 to page 5, line 7. Thorne fails to teach or suggest at least these relative positions and faces, as shown in Figure 19, for example.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.

Respectfully submitted,

PLUMSEA LAW GROUP, LLC

Date: December 16, 2009

By: 
Steven P. Amheim
Reg. No. 43,475
Telephone number 301-365-9040